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Measures to eliminate international terrorism

Report of the Sixth Committee

Rapporteur: Mr. Ghassan OBEID (Syrian Arab Republic)

I. INTRODUCTION

1. The item entitled "Measures to eliminate international terrorism" was included in the provisional agenda of the fifty-second session of the General Assembly pursuant to Assembly resolution 51/210 of 17 December 1996.

2. At its 4th plenary meeting, on 19 September 1996, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 2nd, 27th to 30th and 32nd to 34th meetings, on 27 September and on 13, 14, 19 and 21 November 1997. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/52/SR.2, 27-30 and 32-34).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996;[1]

(b) Report of the Secretary-General (A/52/304 and Corr.1 and Add.1);

[1] Official Records of the General Assembly, Fifty-second Session, Supplement No. 37 (A/52/37).

(c) Letter dated 10 January 1997 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/52/58-S/1997/30);

(d) Letters dated 23 January, 3 March and 11 August 1997 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General (A/52/63-S/1997/70, A/52/87-S/1997/187 and A/52/276-S/1997/630);

(e) Letters dated 3 February, 5 June and 1 August 1997 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/52/70-S/1997/108, A/52/173 and A/52/265-S/1997/604);

(f) Letter dated 4 September 1997 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/52/321-S/1997/689);

(g) Letter dated 12 September 1997 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General (A/52/346-S/1997/710);

(h) Letter dated 28 August 1997 from the Permanent Representative of Paraguay to the United Nations addressed to the Secretary-General, transmitting the declarations of the Eleventh Summit of Heads of State and Government of the Rio Group, held at Asunción on 23 and 24 August 1997 (A/52/347);

(i) Letter dated 26 September 1997 from the Permanent Representatives of Egypt and the Russian Federation to the United Nations addressed to the Secretary-General (A/52/405-S/1997/758);

(j) Letter dated 1 October 1997 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General, transmitting the communiqué of the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries to the fifty-second session of the General Assembly, held in New York on 25 September 1997 (A/52/447-S/1997/775);

(k) Letter dated 11 November 1997 from the Permanent Representatives of China and the United States of America to the United Nations addressed to the Secretary-General (A/52/589-S/1997/871).

5. Pursuant to paragraph 10 of General Assembly resolution 51/210, the Committee, at its 2nd meeting, on 22 September, established a Working Group on a draft international convention for the suppression of terrorist bombings, and elected as its Chairman Mr. Philippe Kirsch (Canada), Chairman of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996. The Working Group held 17 meetings, from 22 September to 3 October.

6. At the 27th meeting, on 13 November, the Chairman of the Working Group introduced the report of the Working Group contained in document A/C.6/52/L.3 (see A/C.6/52/SR.27).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.6/52/L.13

7. At the 30th meeting, on 14 November, the representative of Costa Rica introduced a draft resolution entitled "International Convention for the Suppression of Terrorist Bombings" (A/C.6/52/L.13).

8. At its 33rd meeting, on 19 November, the Committee had before it amendments (A/C.6/52/L.19) proposed by Pakistan to the annex to draft resolution A/C.6/52/L.13, by which:

(a) After the third preambular paragraph, an additional preambular paragraph would be inserted, reading:

> "Recalling also General Assembly resolution 46/51 of 9 December 1991, reaffirming the inalienable right to self-determination and independence of all peoples under colonial and racist regimes and other forms of alien domination and foreign occupation, and upholding the legitimacy of their struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter and Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations";

(b) The eleventh preambular paragraph, paragraph 4 of article 1 and paragraph 2 of article 19 would be deleted.

9. At the same meeting, the representative of Pakistan informed the Committee that his delegation would not press for a decision on the amendments proposed in A/C.6/52/L.19.

10. Also at the same meeting, the Committee adopted draft resolution A/C.6/52/L.13 without a vote (see para. 18, draft resolution I).

11. The representatives of Pakistan, the Islamic Republic of Iran, Iraq, the Syrian Arab Republic, Algeria, New Zealand, the Libyan Arab Jamahiriya, Canada, Lebanon, Japan, India, Turkey and Jamaica made statements in explanation of position (see A/C.6/52/SR.33).

12. The representative of China did not participate in the decision and made a statement in explanation of position (see A/C.6/52/SR.33).

B. Draft resolutions A/C.6/52/L.21 and L.24 and draft decision A/C.6/52/L.22

13. The Committee had before it a draft resolution entitled "Measures to eliminate international terrorism" (A/C.6/52/L.21), sponsored by Sri Lanka, which read:

> "The General Assembly,

"Recalling its resolutions 49/60 of 9 December 1994, by which it adopted the Declaration on Measures to Eliminate International Terrorism, and its resolutions 50/53 of 11 December 1995 and 51/210 of 17 December 1996,

"Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[2]

"Guided by the purposes and principles of the Charter of the United Nations,

"Deeply disturbed by the persistence of terrorist acts, which have taken place worldwide,

"Stressing the need further to strengthen international cooperation between States and between international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed,

"Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism,

"Recalling that in the Declaration on Measures to Eliminate International Terrorism the General Assembly encouraged States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there was a comprehensive legal framework covering all aspects of the matter,

"Bearing in mind the possibility of considering in the future the elaboration of a comprehensive convention on international terrorism,

"Having examined the report of the Secretary-General,[3]

"1. Strongly condemns all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;

"2. Reiterates that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

"3. Reiterates its call upon all States to adopt further measures in accordance with the relevant provisions of international law, including

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[2] See resolution 50/6.

[3] A/52/304 and Corr.1 and Add.1.

international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider, in particular, the adoption of the measures set out in paragraphs 3 (a) to (f) of its resolution 51/210;

"4. Urges all States that have not yet done so to consider, as a matter of priority, becoming parties to relevant instruments as referred to in paragraph 6 of resolution 51/210, and calls upon all States to enact, as appropriate, domestic legislation necessary to implement the provisions of those Conventions and Protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts and to provide support and assistance to other Governments for those purposes;

"5. Reaffirms the Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 49/60 and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 51/210, and calls upon all States to ensure their effective implementation;

"6. Reaffirms the mandate of the Ad Hoc Committee established by the General Assembly in its resolution 51/210;

"7. Decides to include in the provisional agenda of its fifty-third session the item entitled 'Measures to eliminate international terrorism'."

14. The Committee had also before it a draft decision entitled "Measures to eliminate international terrorism" (A/C.6/52/L.22), sponsored by the Russian Federation, which read:

"The General Assembly,

"(a) Decides that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 will meet from 16 February to 27 February 1998 to continue its work in accordance with the mandate provided in paragraph 9 of that resolution, and recommends that that work continue during the fifty-third session of the General Assembly, from 28 September to 9 October 1998, within the framework of a working group of the Sixth Committee;

"(b) Requests the Secretary-General to invite the International Atomic Energy Agency to assist the Ad Hoc Committee in its deliberations;

"(c) Also requests the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

"(d) Requests the Ad Hoc Committee to report to the General Assembly at its fifty-third session on the progress made in accomplishing its mandate;

"(e) Recommends that the Ad Hoc Committee be convened in 1999 to continue its work as referred to in paragraph 9 of resolution 51/210;

"(f) Decides to include in the provisional agenda of its fifty-third session the item entitled 'Measures to eliminate international terrorism'."

15. At the 34th meeting, on 21 November, at the request of the Chairman of the Committee, the representative of Canada introduced a draft resolution entitled "Measures to eliminate international terrorism" (A/C.6/52/L.24), proposed by the Chairman, which was the result of informal consultations on draft resolution A/C.6/52/L.21 and draft decision A/C.6/52/L.22.

16. At the same meeting, the Committee adopted draft resolution A/C.6/52/L.24 without a vote (see para. 18, draft resolution II).

17. Statements in explanation of position were made by the representatives of Lebanon, Pakistan, Israel, Norway, the Sudan, the Syrian Arab Republic, Sweden and India (see A/C.6/52/SR.34).

III. RECOMMENDATIONS OF THE SIXTH COMMITTEE

18. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

International Convention for the Suppression of Terrorist Bombings

The General Assembly,

Recalling its resolution 49/60 of 9 December 1994, by which it adopted the Declaration on Measures to Eliminate International Terrorism, and its resolution 51/210 of 17 December 1996,

Having considered the text of the draft convention for the suppression of terrorist bombings prepared by the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996[4] and the Working Group of the Sixth Committee,[5]

1. Adopts the text of the International Convention for the Suppression of Terrorist Bombings annexed to the present resolution and opens the instrument for signing at United Nations Headquarters from 12 January 1998 until 31 December 1999;

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[4] See Official Records of the General Assembly, Fifty-second Session, Supplement No. 37 (A/52/37).

[5] A/C.6/52/L.3, annex I.

2. Urges all States to sign and ratify, accept or approve or to accede to the annexed Convention.

ANNEX

International Convention for the Suppression of Terrorist Bombings

The States Parties to this Convention,

Having in mind the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of good-neighbourliness and friendly relations and cooperation among States,

Deeply concerned about the worldwide escalation of acts of terrorism in all its forms and manifestations,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations of 24 October 1995,[6]

Recalling also the Declaration on Measures to Eliminate International Terrorism, annexed to General Assembly resolution 49/60 of 9 December 1994, in which, inter alia, "the States Members of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States",

Noting that the Declaration also encouraged States "to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter",

Recalling further General Assembly resolution 51/210 of 17 December 1996 and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, annexed thereto,

Noting also that terrorist attacks by means of explosives or other lethal devices have become increasingly widespread,

Noting further that existing multilateral legal provisions do not adequately address these attacks,

Being convinced of the urgent need to enhance international cooperation between States in devising and adopting effective and practical measures for the

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[6] General Assembly resolution 50/6.

prevention of such acts of terrorism, and for the prosecution and punishment of their perpetrators,

Considering that the occurrence of such acts is a matter of grave concern to the international community as a whole,

Noting that the activities of military forces of States are governed by rules of international law outside the framework of this Convention and that the exclusion of certain actions from the coverage of this Convention does not condone or make lawful otherwise unlawful acts, or preclude prosecution under other laws,

Have agreed as follows:

Article 1

For the purposes of this Convention:

1. "State or government facility" includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of Government, the legislature or the judiciary or by officials or employees of a State or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties.

2. "Infrastructure facility" means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel or communications.

3. "Explosive or other lethal device" means:

(a) An explosive or incendiary weapon or device that is designed, or has the capability, to cause death, serious bodily injury or substantial material damage; or

(b) A weapon or device that is designed, or has the capability, to cause death, serious bodily injury or substantial material damage through the release, dissemination or impact of toxic chemicals, biological agents or toxins or similar substances or radiation or radioactive material.

4. "Military forces of a State" means the armed forces of a State which are organized, trained and equipped under its internal law for the primary purpose of national defence or security, and persons acting in support of those armed forces who are under their formal command, control and responsibility.

5. "Place of public use" means those parts of any building, land, street, waterway or other location that are accessible or open to members of the public, whether continuously, periodically or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational or similar place that is so accessible or open to the public.

6. "Public transportation system" means all facilities, conveyances and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo.

Article 2

1. Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system or an infrastructure facility:

(a) With the intent to cause death or serious bodily injury; or

(b) With the intent to cause extensive destruction of such a place, facility or system, where such destruction results in or is likely to result in major economic loss.

2. Any person also commits an offence if that person attempts to commit an offence as set forth in paragraph 1.

3. Any person also commits an offence if that person:

(a) Participates as an accomplice in an offence as set forth in paragraph 1 or 2; or

(b) Organizes or directs others to commit an offence as set forth in paragraph 1 or 2; or

(c) In any other way contributes to the commission of one or more offences as set forth in paragraph 1 or 2 by a group of persons acting with a common purpose; such contribution shall be intentional and either be made with the aim of furthering the general criminal activity or purpose of the group or be made in the knowledge of the intention of the group to commit the offence or offences concerned.

Article 3

This Convention shall not apply where the offence is committed within a single State, the alleged offender and the victims are nationals of that State, the alleged offender is found in the territory of that State and no other State has a basis under article 6, paragraph 1, or article 6, paragraph 2, of this Convention to exercise jurisdiction, except that the provisions of articles 10 to 15 shall, as appropriate, apply in those cases.

Article 4

Each State Party shall adopt such measures as may be necessary:

(a) To establish as criminal offences under its domestic law the offences set forth in article 2 of this Convention;

(b) To make those offences punishable by appropriate penalties which take into account the grave nature of those offences.

Article 5

Each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature.

Article 6

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 when:

(a) The offence is committed in the territory of that State; or

(b) The offence is committed on board a vessel flying the flag of that State or an aircraft which is registered under the laws of that State at the time the offence is committed; or

(c) The offence is committed by a national of that State.

2. A State Party may also establish its jurisdiction over any such offence when:

(a) The offence is committed against a national of that State; or

(b) The offence is committed against a State or government facility of that State abroad, including an embassy or other diplomatic or consular premises of that State; or

(c) The offence is committed by a stateless person who has his or her habitual residence in the territory of that State; or

(d) The offence is committed in an attempt to compel that State to do or abstain from doing any act; or

(e) The offence is committed on board an aircraft which is operated by the Government of that State.

3. Upon ratifying, accepting, approving or acceding to this Convention, each State Party shall notify the Secretary-General of the United Nations of the jurisdiction it has established in accordance with paragraph 2 under its domestic law. Should any change take place, the State Party concerned shall immediately notify the Secretary-General.

4. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2.

5. This Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

Article 7

1. Upon receiving information that a person who has committed or who is alleged to have committed an offence as set forth in article 2 may be present in its territory, the State Party concerned shall take such measures as may be necessary under its domestic law to investigate the facts contained in the information.

2. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its domestic law so as to ensure that person's presence for the purpose of prosecution or extradition.

3. Any person regarding whom the measures referred to in paragraph 2 are being taken shall be entitled to:

(a) Communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights or, if that person is a stateless person, the State in the territory of which that person habitually resides;

(b) Be visited by a representative of that State;

(c) Be informed of that person's rights under subparagraphs (a) and (b).

4. The rights referred to in paragraph 3 shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

5. The provisions of paragraphs 3 and 4 shall be without prejudice to the right of any State Party having a claim to jurisdiction in accordance with article 6, subparagraph 1 (c) or 2 (c), to invite the International Committee of the Red Cross to communicate with and visit the alleged offender.

6. When a State Party, pursuant to this article, has taken a person into custody, it shall immediately notify, directly or through the Secretary-General of the United Nations, the States Parties which have established jurisdiction in accordance with article 6, paragraphs 1 and 2, and, if it considers it advisable, any other interested States Parties, of the fact that such person is in custody and of the circumstances which warrant that person's detention. The State which makes the investigation contemplated in paragraph 1 shall promptly inform the said States Parties of its findings and shall indicate whether it intends to exercise jurisdiction.

Article 8

1. The State Party in the territory of which the alleged offender is present shall, in cases to which article 6 applies, if it does not extradite that person, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

2. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State to serve the sentence imposed as a result of the trial or proceeding for which the extradition or surrender of the person was sought, and this State and the State seeking the extradition of the person agree with this option and other terms they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 1.

Article 9

1. The offences set forth in article 2 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties before the entry into force of this Convention. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.

2. When a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 2. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 2 as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.

4. If necessary, the offences set forth in article 2 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the States that have established jurisdiction in accordance with article 6, paragraphs 1 and 2.

5. The provisions of all extradition treaties and arrangements between States Parties with regard to offences set forth in article 2 shall be deemed to be modified as between State Parties to the extent that they are incompatible with this Convention.

Article 10

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 2, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

Article 11

None of the offences set forth in article 2 shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

Article 12

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 2 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Article 13

1. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of testimony, identification or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences under this Convention may be transferred if the following conditions are met:

(a) The person freely gives his or her informed consent; and

(b) The competent authorities of both States agree, subject to such conditions as those States may deem appropriate.

2. For the purposes of this article:

(a) The State to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State from which the person was transferred;

(b) The State to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States;

(c) The State to which the person is transferred shall not require the State from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) The person transferred shall receive credit for service of the sentence being served in the State from which he was transferred for time spent in the custody of the State to which he was transferred.

3. Unless the State Party from which a person is to be transferred in accordance with this article so agrees, that person, whatever his or her nationality, shall not be prosecuted or detained or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts or convictions anterior to his or her departure from the territory of the State from which such person was transferred.

Article 14

Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the law of the State in the territory of which that person is present and applicable provisions of international law, including international law of human rights.

Article 15

States Parties shall cooperate in the prevention of the offences set forth in article 2, particularly:

(a) By taking all practicable measures, including, if necessary, adapting their domestic legislation, to prevent and counter preparations in their respective territories for the commission of those offences within or outside their territories, including measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize, knowingly finance or engage in the perpetration of offences as set forth in article 2;

(b) By exchanging accurate and verified information in accordance with their national law, and coordinating administrative and other measures taken as appropriate to prevent the commission of offences as set forth in article 2;

(c) Where appropriate, through research and development regarding methods of detection of explosives and other harmful substances that can cause death or bodily injury, consultations on the development of standards for marking explosives in order to identify their origin in post-blast investigations, exchange of information on preventive measures, cooperation and transfer of technology, equipment and related materials.

Article 16

The State Party where the alleged offender is prosecuted shall, in accordance with its domestic law or applicable procedures, communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States Parties.

Article 17

The States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

Article 18

Nothing in this Convention entitles a State Party to undertake in the territory of another State Party the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other State Party by its domestic law.

Article 19

1. Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.

2. The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law, are not governed by this Convention, and the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

Article 20

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.

2. Each State may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1. The other States Parties shall not be bound by paragraph 1 with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 21

1. This Convention shall be open for signature by all States from 12 January 1998 until 31 December 1999 at United Nations Headquarters in New York.

2. This Convention is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall be open to accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 22

1. This Convention shall enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 23

1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article 24

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at New York on 12 January 1998.

DRAFT RESOLUTION II

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling all its relevant resolutions, including resolution 49/60 of 9 December 1994, by which it adopted the Declaration on Measures to Eliminate International Terrorism, and resolutions 50/53 of 11 December 1995 and 51/210 of 17 December 1996,

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[7]

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[7] See resolution 50/6.

Deeply disturbed by the persistence of terrorist acts, which have taken place worldwide,

Stressing the need further to strengthen international cooperation between States and between international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism, and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Recalling that in the Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 49/60 the General Assembly encouraged States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there was a comprehensive legal framework covering all aspects of the matter,

Bearing in mind the possibility of considering in the near future the elaboration of a comprehensive convention on international terrorism,

Having examined the report of the Secretary-General,[8]

1. Strongly condemns all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;

2. Reiterates that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

3. Reiterates its call upon all States to adopt further measures in accordance with the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider, in particular, the implementation of the measures set out in paragraphs 3 (a) to (f) of its resolution 51/210;

4. Also reiterates its call upon all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

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[8] A/52/304 and Corr.1 and Add.1.

5. Further reiterates its call upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

6. Urges all States that have not yet done so to consider, as a matter of priority, becoming parties to relevant instruments as referred to in paragraph 6 of resolution 51/210, and calls upon all States to enact, as appropriate, domestic legislation necessary to implement the provisions of those Conventions and Protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

7. Reaffirms the Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 49/60 and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 51/210, and calls upon all States to implement them;

8. Reaffirms the mandate of the Ad Hoc Committee established by the General Assembly in its resolution 51/210;

9. Decides that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 will meet from 16 February to 27 February 1998 to continue its work in accordance with the mandate provided in paragraph 9 of that resolution, and recommends that the work continue during the fifty-third session of the General Assembly from 28 September to 9 October 1998 within the framework of a working group of the Sixth Committee;

10. Requests the Secretary-General to invite the International Atomic Energy Agency to assist the Ad Hoc Committee in its deliberations;

11. Also requests the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

12. Requests the Ad Hoc Committee to report to the General Assembly at its fifty-third session on progress made in accomplishing its mandate;

13. Recommends that the Ad Hoc Committee be convened in 1999 to continue its work as referred to in paragraph 9 of resolution 51/210;

14. Decides to include in the provisional agenda of its fifty-third session the item entitled "Measures to eliminate international terrorism".

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AMENDMENT TO ARTICLE 13 OF THE STATUTE OF THE UNITED NATIONS ADMINISTRATIVE TRIBUNAL

Report of the Sixth Committee

Rapporteur: Mr. Ghassan OBEID (Syrian Arab Republic)

I. INTRODUCTION

1. The item entitled "Amendment to article 13 of the statute of the United Nations Administrative Tribunal" was included in the provisional agenda of the fifty-second session of the General Assembly pursuant to the request contained in a note by the Secretary-General (A/52/142 and Add.1).

2. At its 4th plenary meeting, on 19 September 1997, the General Assembly decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 15th and 29th meetings, on 24 October and 14 November 1997. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/52/SR.15 and 29).

4. For its consideration of the item, the Committee had before it the note by the Secretary-General (A/52/142 and Add.1).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/52/L.11

5. At the 29th meeting, on 14 November, the Chairman introduced a draft resolution entitled "Amendments to article 13 of the statute of the United Nations Administrative Tribunal" (A/C.6/52/L.11) and orally revised it by replacing the word "would" in operative paragraphs 1 (a) and (b) with the word "shall".

6. At the same meeting, the Committee adopted draft resolution A/C.6/52/L.11, as orally revised, without a vote (see para. 7).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Amendment to article 13 of the statute of the United Nations Administrative Tribunal

The General Assembly,

Having considered the note by the Secretary-General of 17 September 1997 entitled "Amendment to article 13 of the statute of the United Nations Administrative Tribunal",[1]

Noting the proposal of the International Court of Justice referred to in that note that the statute of the Tribunal be modified to provide for the exercise of its competence in respect of the staff of the Registry of the International Court of Justice,

Recognizing that the competence of the Tribunal in Joint Staff Pension Fund cases, as approved by the General Assembly in resolution 955 (X) of 3 November 1955, is not reflected in the statute of the Tribunal,

Noting the proposal of the Secretary-General, set out in the note, to amend the statute of the Tribunal by providing that its competence may be extended to international organizations and entities participating in the common system of conditions of service,

Desiring to amend the statute of the Tribunal in accordance with the proposals referred to in the note by the Secretary-General,

Convinced of the desirability of reviewing more generally the provisions of the statute of the Tribunal at an early date,

1. Decides to amend article 13 of the statute of the United Nations Administrative Tribunal, with effect from 1 January 1998, as follows:

(a) New paragraphs 1, 2 and 4 shall be inserted to read:

"1. The competence of the Tribunal shall be extended to the staff of the Registry of the International Court of Justice upon the exchange of letters between the President of the Court and the Secretary-General of the United Nations establishing the relevant conditions;

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[1] A/52/142/Add.1.

"2. The Tribunal shall be competent to hear and pass judgement upon applications alleging non-observance of the Regulations of the United Nations Joint Staff Pension Fund arising out of the decision of the United Nations Joint Staff Pension Board submitted to the Tribunal by:

(a) Any staff member of a member organization of the Fund which has accepted the jurisdiction of the Tribunal in Joint Staff Pension Fund cases who is eligible under article 21 of the Pension Fund regulations as a participant in the Fund, even if his employment has ceased, and any person who has acceded to such staff member's rights upon his death;

(b) Any other person who can show that he is entitled to rights under the Pension Fund Regulations by virtue of the participation in the Fund of a staff member of such member organization;

"4. The competence of the Tribunal may also be extended, with the approval of the General Assembly, to any other international organization or entity established by a treaty and participating in the common system of conditions of service, upon the terms set out in a special agreement between the organization or entity concerned and the Secretary-General of the United Nations. Each such special agreement shall provide that the organization or entity concerned shall be bound by the judgements of the Tribunal and be responsible for the payment of any compensation awarded by the Tribunal in respect of a staff member of that organization or entity and shall include, inter alia, provisions concerning its participation in the administrative arrangements for the functioning of the Tribunal and concerning its sharing the expenses of the Tribunal";

(b) Former article 13 shall be renumbered paragraph 3 of article 13.

2. Also decides to include in the provisional agenda of its fifty-third session an item entitled "Review of the statute of the Administrative Tribunal of the United Nations".